

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION	:
CORPORATION,	:
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Plaintiff,	:
	:
v.	:
	:
BERNARD L. MADOFF INVESTMENT	:
SECURITIES LLC,	:
	:
Defendant.	:
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SIPA LIQUIDATION

Adv. Pro. No. 08-01789 (BRL)

**AFFIDAVIT OF NORMAN
PLOTNICK AND YETTA
GOLDMAN**

1. Our names are Norman Plotnick (“Norman”) and Yetta Goldman (“Yetta”), and we are husband and wife. We are 76 and 73 years old, respectively, and are competent to make this Affidavit concerning the severe harm that Bernard L. Madoff Investment Securities LLC (“Madoff”) caused both of us by its fraudulent conduct.

2. Yetta invested with Madoff for approximately fourteen years, and Norman invested with Madoff for approximately six years. We are not sophisticated Wall-Street investment insiders, and considered ourselves quite fortunate to be referred to Madoff by family members, who told us of Madoff’s impeccable reputation in the investment field. Based on this reputation, we both opened security investment accounts with Madoff, believing that we were making sound and relatively conservative investment decisions. We invested our entire lives’ savings.

3. Until December 2008, our accounts with Madoff appeared to be doing very well. As of November 30, 2008, the value of the securities in Yetta’s Madoff account was

\$950,314.05, and the value of the securities in Norman's Madoff account was \$142,407.87.

4. We never had any reason to suspect that the Madoff enterprise was a "Ponzi scheme." Every monthly securities account statement that we received read like an investment portfolio composed of legitimate and well-known stocks, indicating ownership of shares in companies such as Hewlett Packard Co., Wal-Mart Stores Inc., Exxon Mobile Corp., Intel Corp., Johnson & Johnson, Coca Cola Co., and McDonalds Corp., to name a few. As investment laypeople, these statements appeared legitimate and provided us with a peace of mind that our investments were in good hands and were secure.

5. In 2004, we relied on our Madoff securities statements to purchase a condominium in Long Boat Key, Florida for \$700,000.00. Currently, our Florida home is subject to a mortgage of approximately \$359,000.00. The monthly mortgage payment for the Florida home is currently \$2,395.23. From the time we purchased the home through November 2008, we paid this mortgage through regular withdrawals from our Madoff security account. The mortgage is subject to an ARM that will expire in July 2010, at which time the full amount of over \$300,000.00 may become due, unless the ARM is extended or the loan can be refinanced. We do not have the funds to cover a balloon payment.

6. We also owe approximately \$13,000.00 a year in condominium fees for the Florida home.

7. In addition, we relied upon the Madoff security account to pay for the mortgage on our principal home in Bethesda, Maryland, through regular withdrawals. The current monthly mortgage payment on the Bethesda home is \$2,761.38.

8. It is now well known that in December 2008, Madoff's fraud on all of its customers, including us, was exposed. This did not occur in time to prevent terrible financial

losses. Now, we have nothing to show for the years worth of trust that we held in Madoff and the over \$1 million in combined assets we thought we enjoyed through our Madoff security accounts.

9. Due to our Madoff losses, we can no longer afford the mortgage and condominium fees on our Florida home, where we planned to spend our hoped for retirement, without Social Security and borrowed and gifted funds from family, which we also use to pay for the most basic day-to-day needs. In addition, Norman has recently returned to the work force full time, due exclusively to our need to make ends meet after losing the funds we believed we held in our Madoff security accounts, and in particular to continue paying for our Bethesda home.

10. Our family that has supported us cannot continue to keep us afloat indefinitely, and Norman will not be able to continue working permanently.

11. With this in mind, we placed our Florida home on the market in January 2009. We never would have taken this action, if not for the loss of our Madoff investment that we relied upon.

12. As of today, we have not received any offers on the Florida home. If we successfully sell the home, it is likely that we will do so at a significant loss. If we cannot sell the Florida home, and absent a significant recovery from the bankruptcy estate of funds made available under the security laws for defrauded investors, we expect to lose it, likely through a foreclosure.

13. This financial burden, through the extreme stress of not knowing how we will meet our day-to-day living expenses absent the help of others, has impacted our health. We both suffer from severe medical conditions. Yetta suffers from bone osteoporosis. Prior to December

2008, her treatment for this condition included going to a gym and working with trainers. She now cannot afford this basic physical therapy. Her condition is deteriorating.

14. Norman is in particularly bad health. In April 2009, he passed out from an arrhythmia. Due to this incident, Norman went through a CAT Scan, which uncovered that he has kidney cancer, a mass on his pancreas, and a double hernia. Since then, he has suffered through multiple surgeries to install a pacemaker, remove the tumor in his kidney and part of his kidney, and to repair his double hernia. In addition, he now receives CAT Scans every three months to determine whether the growth on his pancreas has become cancerous, and whether his kidney cancer has recurred or spread.

15. The stress of this financial meltdown is making an already difficult period of Norman's life even harder. In addition, while he should be resting, he has been forced to end his semi-retirement and work full time selling insurance.

16. We cannot afford legal counsel, and have filed our own papers in this case with the assistance of the pro bono legal services of Irving E. Walker, Esquire from the Baltimore office of Cole, Schotz, Meisel, Forman & Leonard, P.A.

17. Despite the crises in our lives caused by Madoff, the Trustee has taken the position that we are only entitled to very minimum recovery in our case, stating that "[n]o securities were ever purchased for your account," and that the amount of our allowed claim is limited to the "balance in [our] account[s] on the Filing Date based on the amount of money [we] deposited with [Madoff] for the purchase of securities, less subsequent withdrawals." See Trustee Determinations to Norman Plotnick and Yetta Goldman, attached hereto as Exhibits 1 and 2, respectively, at 1 (underline in original).

18. Based on all of the above, we consider ourselves to have been harmed in a manner

that is not even close to adequately addressed by the Trustee's Determination. Whether or not any securities were purchased with the funds we invested with Madoff, we received monthly statements indicating that our funds were being invested, that securities were being purchased, and in fact that these security investments were sound. As a consequence of Madoff's fraud, we lost our lives' savings, may lose our Florida retirement home and our principal home in Bethesda, and our poor health has been exacerbated.

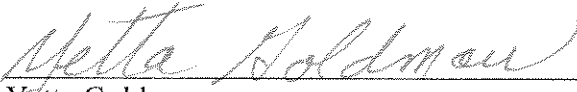
19. We respectfully ask that this Court consider our reasonable reliance on Madoff's monthly account statements and Madoff's reputation in the investment community, and the resultant harm that we have suffered by virtue of this misplaced trust, when it determines how to compensate the many victims of Madoff's scheme.

We hereby declare under applicable state laws that the foregoing is true and correct.

Date: November 13, 2009



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